

ORDINANCE NO. 99 - 75

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 99-130 COM 1 (HOOKER HIGHWAY), MODIFYING PAGE 130 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 16.37 TOTAL ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF SR 715 AND HOOKER HIGHWAY, FROM AGRICULTURAL PRODUCTION (AP) TO COMMERCIAL HIGH (CH) ON 4.27 ACRES (PARCEL A), AND HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR/8) ON 12.10 ACRES (PARCEL B, EXTENDING 900 FEET NORTH OF THE REAR PROPERTY LINE), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning

1 Agency, whereupon the Board of County Commissioners authorized  
2 transmittal of proposed amendments to the Department of Community  
3 Affairs for review and comment pursuant to Chapter 163, Part II,  
4 Florida Statutes; and

5 WHEREAS, Palm Beach County received on November 16, 1999 the  
6 Department of Community Affairs "Objections, Recommendations, and  
7 Comments Report," dated November 12, 1999 which was the Department's  
8 written review of the proposed Comprehensive Plan amendments; and

9 WHEREAS, the written comments submitted by the Department of  
10 Community Affairs contained no objections to the amendments contained  
11 in this ordinance;

12 WHEREAS, on December 13, 1999 the Palm Beach County Board of  
13 County Commissioners held a public hearing to review the written  
14 comments submitted by the Department of Community Affairs and to  
15 consider adoption of the amendments; and

16 WHEREAS, the Palm Beach County Board of County Commissioners has  
17 determined that the amendments comply with all requirements of the  
18 Local Government Comprehensive Planning and Land Development  
19 Regulations Act.

20 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
21 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

22 Part I. Amendments to the Future Land Use Atlas of the Land Use  
23 Element of the 1989 Comprehensive Plan

24 The following amendment to the Land Use Element's Future Land Use  
25 Atlas is hereby adopted and is attached to this Ordinance:

26 A. Future Land Use Atlas page 130 is amended as follows:

27 Application No.: 99-130 COM 1 (Hooker Highway)

28 Amendment: From Agricultural Production (AP) to Commercial  
29 High (CH) on 4.27 acres (Parcel A), and High  
30 Residential, 8 units per acre (HR/8) on 12.10  
31 Acres (Parcel B, extending 900 feet north of the

1 rear property line);

2 General Location: On the southeast corner of SR 715 and Hooker  
3 Highway;

4 Size: Approximately 16.37 total acres;

5 B. Condition: This parcel is subject to the following  
6 condition:

- 7 1. Prior to certification of the rezoning application by  
8 the DRC, the applicant shall submit, with the Palm  
9 Beach County Health Department, a phase I and II  
10 environmental audit of the property, signed and sealed  
11 by a Professional Engineer or Professional Geologist  
12 registered in Florida.

13 Part II. Repeal of Laws in Conflict

14 All local laws and ordinances applying to the unincorporated area  
15 of Palm Beach County in conflict with any provision of this ordinance  
16 are hereby repealed to the extent of such conflict.

17 Part III. Severability

18 If any section, paragraph, sentence, clause, phrase, or word of  
19 this Ordinance is for any reason held by the Court to be  
20 unconstitutional, inoperative or void, such holding shall not affect  
21 the remainder of this Ordinance.

22 Part IV. Inclusion in the 1989 Comprehensive Plan

23 The provision of this Ordinance shall become and be made a part  
24 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
25 Ordinance may be renumbered or relettered to accomplish such, and the  
26 word "ordinance" may be changed to "section," "article," or any other  
27 appropriate word.

28 Part V. Effective Date

29 The effective date of this plan amendment shall be the date a  
30 final order is issued by the Department of Community Affairs or  
31 Administration Commission finding the amendment in compliance in  
32 accordance with Section 163.3184, Florida Statutes, whichever occurs  
33 earlier. No development orders, development permits, or land uses

1 dependent on this amendment may be issued or commence before it has  
2 become effective. If a final order of noncompliance is issued by the  
3 Administration Commission, this amendment may nevertheless be made  
4 effective by adoption of a resolution affirming its effective status,  
5 a copy of which resolutions shall be sent to the Department of  
6 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,  
7 Tallahassee, Florida 32399-2100. **APPROVED AND ADOPTED** by the Board  
8 of County Commissioners of Palm Beach County, on the 21 day of  
9 December, 1999.

10 ATTEST:  
11 DOROTHY H. WILKEN, Clerk

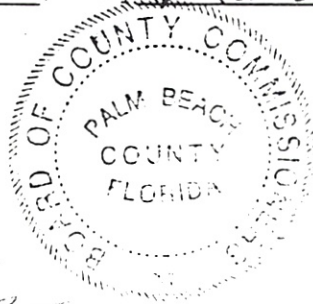
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

12 By: Donna S. Atwood  
13 Deputy Clerk

By: Manda Ford Lee  
Chair

14 APPROVED AS TO FORM AND  
15 LEGAL SUFFICIENCY

16 [Signature]  
17 COUNTY ATTORNEY



18 Filed with the Department of State on the 23rd day  
19 of December, 1999.

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## EXHIBIT 1

Future Land Use Atlas page 130 is amended as follows:

**Amendment No.:** 99-130 COM 1 (Hooker Highway)

**Amendment:** From Agricultural Production (AP) to Commercial High (CH) on 4.27 acres (Parcel A) and High Residential, 8 units per acre (HR-8) on 12.10 acres (Parcel B, extending 900 feet north of the rear property line).

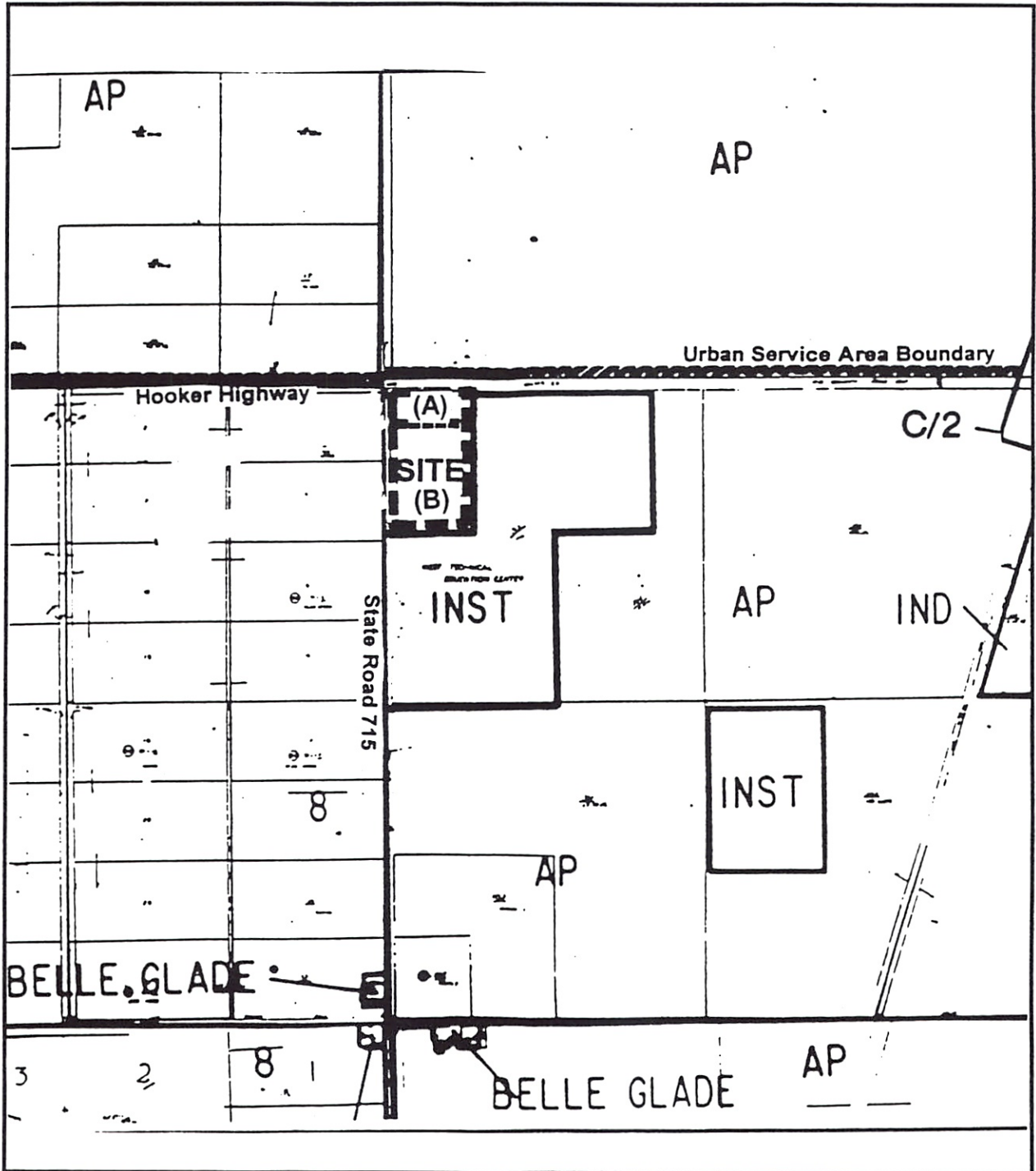
**Location:** On the southeast corner of SR 715 and Hooker Highway

**Size:** Approximately 16.37 total acres

**Property No.:** 00-37-43-19-00-000-3030

**Legal Description:** See attached

**Condition:** Prior to certification of the rezoning application by the DRC, the applicant shall submit, with the Palm Beach County Health Department, a phase I and II environmental audit of the property, signed and sealed by a Professional Engineer or Professional Geologist registered in Florida.



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**LEGAL DESCRIPTION (PARCEL A):**

THE NORTH 420 FEET OF THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST (NW1/4/) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 100 FEET THEREOF FOR RIGHT OF WAY FOR HOOKER HIGHWAY AND THE WEST 75 FEET THEREOF FOR RIGHT OF WAY FOR STATE ROAD 715.

**LEGAL DESCRIPTION (PARCEL B):**

THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST (NW1/4/) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 37 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 420 FEET AND LESS THE WEST 75 FEET THEREOF FOR RIGHT OF WAY FOR STATE ROAD 715.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office.  
on December 21, 1999  
DATED at West Palm Beach, FL on 1/4/00.  
DOROTHY H. WILKEN, Clerk  
By: Diane Brown D.C.